BOARD OF ZONING APPEALS-ZONING

August 16, 2022
5:15 PM

DEPARTMENT OF PLANNING, PRESERVATION & SUSTAINABILITY

www.charleston-sc.gov/bza-z

This meeting is being recorded.
This meeting is being recorded.

Your Board of Zoning Appeals-Zoning Members are:

- John Bennett
- Howell Morrison
- Bill Goodwin, Jr.
- Robben Richards
- Allison Cannon Grass
- Jeffrey Tibbals
- Chappy McKay

Your City of Charleston Staff are:

- Lee Batchelder, Zoning Administrator
- Pennye Ashby, Senior Planner
- Scott Valentine, TRC Coordinator

DEPARTMENT OF PLANNING, PRESERVATION & SUSTAINABILITY
www.charleston-sc.gov/bza-z

This meeting is being recorded.
Meeting Protocol

Order on Each Application:

- Chair announces each application
- Staff presents application and City’s recommendation. Staff will control slide presentation
- If recommendation is favorable and no one objects to the application, usually the Board treats application as uncontested and passes it
- If there is an objection, applicant and anyone else in favor, after being sworn in, will be allowed to speak on the application. Each speaker will be sworn in before speaking. Each speaker should state their name and address for the record
- Next, opponents, after being sworn in, can speak followed by a short rebuttal from the applicant
- The Board then closes the public hearing on that application and opens discussion for Board members

The Board of Zoning Appeals—Zoning has the authority to do three things:

1. Hear appeals to decisions of the Zoning Administrator;
2. Grant special exceptions, a fact finding function of the Board; and
3. Grant variances to the Zoning Ordinance if the application meets the hardship test outlined in Section 54-924 of the ordinance.
Board of Zoning Appeals-Zoning

Requirements for Granting a Variance

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes the following findings:

a. there are extraordinary and exceptional conditions pertaining to the particular piece of property;

b. these conditions do not generally apply to other property in the vicinity;

c. because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

d. the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
Agenda Item #A-1

Approval of August 2, 2022 BZA-Z Minutes

https://www.charleston-sc.gov/AgendaCenter/ViewFile/Agenda/_08022022-7622
Agenda Item #A-2

438 KING STREET
(MAZYCK/WRAGGBOROUGH)
TMS#460-16-02-066

Request special exception under Sec. 54-220 to allow a 36 unit accommodations use in a GB-A (General Business-Accommodations) zone district.
Application for Variance, Special Exception, Reconsideration, or Extension Page 1 of 2 to the Board of Zoning Appeals – Zoning (BZA-Z) City of Charleston

Instructions – Submit this application, along with the required information and fee, to the Permit Center at 2 George Street. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
☐ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an expired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: JULY 18 2022
Property Address 438 KING ST TMS # 460-16-02-066
Property Owner BASIC INVESTMENTS, LLC Daytime Phone 843-513-5699
Applicant NEIL STEVENSON (NEIL STEVENSON ARCHITECTS) Daytime Phone 843-853-8800
Applicant’s Mailing Address 680 KING ST SUITE B CHARLESTON SC 29403
TARA@NEILSTEVENVSONARCHITECTS.COM E-mail Address

Relationship of applicant to owner (same, representative, prospective buyer, other) DESIGN PROFESSIONAL

Zoning of property GB

Information required with application [check information submitted]
☐ Scaled plans or plat, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ N/A For new construction or additions within a flood zone, show HWVC units and platform on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all densely variances and building additions, unless exempted by the Zoning staff (3 sets)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, credit card or cash (make check payable to the City of Charleston)
☑ YES or ☐ NO. Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:
☐ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant

Date, 08/17/22

For use only
Date application received
Signature
Fee $ Time application received
Accept #

BZA-Z Application (continued) Page 2 of 2

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met [add as an attachment if necessary]:

Variance Test: The Board of Zoning Appeals – Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

Special Exception request per Section 54-220 to create an accommodations use.
See attached documentation showing compliance with Section 54-220.

Department of Planning, Preservation & Sustainability 2 George Street, Charleston, South Carolina 29401
(843) 724-3781 FAX (843) 724-3772 www.charleston-sc.gov
5/15
438 KING STREET DEVELOPMENT

Response to the Special Exception Criteria, Section 54-220 for the accommodations overlay district for 438 King St.

a. Intent. The A Overlay Zone is intended to identify those areas within the City limits where accommodations uses are allowed. Accommodation uses are prohibited except within the A Overlay Zone, with the exception of short term rentals and bed and breakfasts that are approved in accordance with the provisions of sections 54-208, 54-208.1, 54-208.2, 54-208.3, 54-224, 54-227.1 or 54-227. The City places a high value on the preservation of the character of its residential districts. Outside of its residential districts, the City places a high value on the preservation and creation of a diverse mix of uses, containing a balance of uses comprised of retail uses, office uses, service industry uses, educational uses, cultural uses, and appropriate residential uses. Potential negative impacts of accommodations uses affecting residential districts shall be avoided or minimized to the greatest extent possible, and, outside residential districts, accommodations uses shall contribute to the preservation or creation of diverse, mixed-use districts. The City places a high value on ensuring that its residents have access to housing that is safe and decent and affordable to persons of all income levels. While accommodations uses are a source of jobs, many, if not most, of the jobs created are low-paying, with minimal benefits, heightening the need for housing that is affordable and efficient use of housing, which can contribute to the creation of housing affordable for its workforce. The City places a high value on maintaining a safe and stable flow of traffic and the availability of parking spaces convenient to residents, patrons, workers, and visitors. As accommodations uses give rise to issues often having to drive to the workplace, to assist in the maintenance of a safe and stable flow of traffic and convenient parking, it is necessary and proper and in furtherance of good order that accommodations uses provide a plan for parking employees and for the use of public transportation.

b. Permitted uses. In any accommodations overlay zone, land may be used and buildings or structures may be erected, altered or used for any purpose allowed by the base zoning district as listed in Article 2, Part 3, and the following uses, subject to the approval of the Board of Zoning Appeals-Zoning:

1. Accommodations uses. The Board of Zoning Appeals-Zoning may permit accommodations uses as an exception where it finds that:

(a) the accommodations use will not result in a net loss of dwelling units that have been occupied within five years of the date of application for the exception; provided however, the BZA may approve the alteration or replacement of such existing dwelling units on the same site as the accommodations use, or within a radius of one quarter (1⁄4) mile from the site if the proposed off-site location does not result in an over concentration of low income households, as defined by the U.S. Department of Housing and Urban Development, as adopted by the Department of Housing and Community Development; and provided further, the BZA shall require any such alteration or replacement to include dwelling units of substantially the same use and type as those being altered or replaced and shall require that no certificate of occupancy shall be issued for the accommodations uses until other is certificate of occupancy has been issued for all dwelling units being altered or replaced or irrevocable bands or letters of credit in favor of the City in amounts equivalent to one hundred twenty-five (125%) per cent of the costs to complete construction or renovation of the dwelling units, as determined by the Chief Building Inspector, has been filed with the City.

No housing is being displaced yielding a zero net loss of housing in this project.

(c) the accommodations use, if located in the Accommodations Overlay on the peninsula, will not reduce or displace more than 25% of office space that has been used for such purpose within five years of the application for the exception;

- This project is located in the accommodations overlay district. The building has been unoccupied for 5 years. The previous use of this building was retail on the ground floor and office on the upper floors.

(d) the accommodations use, if located in the Accommodations Overlay on the peninsula, will not displace more than 25% of the linear frontage of existing ground floor storefront retail space on the ground floor of the building;

- 100% of the storefront is to remain retail use.

(e) the location of the accommodations use will not significantly increase automobile traffic on streets within residential districts;

- The proposed accommodations use is 16 rooms and has a drop off, pick up and parking area, on-site, in the rear of the property, accessed off of John Street. The Main King St entrance is a pedestrian entrance. There is an existing loading zone on King Street 35’7” away. Drop-off and loading zones have been reviewed and approved by the Department of Traffic and Transportation.

The property is surrounded by commercial uses and no residential uses therefore, there will be no increase in automobile traffic on streets within residential neighborhoods.

(f) the total square footage of interior and exterior floor area for restaurant and bar space in the proposed accommodations use, including restaurant/bar patron use areas, bar areas, kitchen, storage, and bathroom facilities, shall not exceed 12 percent of the total interior, conditioned floor area in the accommodations use, except that each accommodations use shall be permitted to exempt from the calculation of total restaurant floor area one interior, ground floor restaurant tenant space if the total tenant space does not exceed 3,000 square feet, the restaurant tenant does not serve alcoholic beverages, and the exempt restaurant tenant space is clearly labeled with these restrictions on the floor plans submitted with the application for this zoning special exception;

- The total square footage of interior and exterior floor area for restaurant and bar space in the proposed accommodations use, including restaurant/bar patron use areas, bar areas, kitchen, storage, and bathroom facilities, is 3,468 sq feet which is less than 12% of the 31,487 sq. ft. of the total interior, conditioned floor area in the accommodations use.

(g) the accommodations uses proposed guest drop off and pick up area(s) is located outside the public right-of-way and on the property utilized for the accommodations use if the accommodations use contains more than 50 sleeping units, and if 50 sleeping units or less, the proposed guest drop off and pick up area(s) are located outside the public right-of-way.


feasible, and the location and design of the guest drop-off and pick-up area(s) has been reviewed by the Department of Traffic and Transportation and determined to be safe and not an impediment to traffic and that every effort has been made to minimize traffic impacts;

- The proposed accommodations use is 36 rooms and has a drop-off, pick up and parking area, on-site, in the rear of the property, accessed off of John Street. The main King St entrance is a pedestrian entrance. There is an existing loading zone on King Street 35'-7" away. Drop-off and loading zones have been reviewed and approved by the Department of Traffic and Transportation.

* The total number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located is equal to or exceeds ten (10) sleeping units.

* The total number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is 36.

* Within areas of the accommodations overlay zone designated as "A-1", "A-2", "A-3", "A-4", "A-5", "A-4", or "A-7" on the zoning map, the number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located shall not exceed 50 in areas designated "A-1", 100 in areas designated "A-2", 25 in areas designated "A-3", 100 in areas designated "A-4", 150 in areas designated "A-5", 60 in areas designated "A-6", and 175 in areas designated "A-7", provided, however, that within the portion of the area designated "A-1" bounded by King Street on the west, Meeting Street on the east, Mary Street on the south and Line Street on the north (the "Full-Service Corridor"), the number of sleeping units within the buildings or structures on the lot or parcel in which the accommodations use is located may exceed 50, but shall not exceed 250, if the accommodations use qualifies as a Full-Service Hotel, meaning that the accommodations use provides 20,000 or more square feet of meeting, conference and banquet space of which 15,000 square feet thereof is contiguous, an on-site restaurant that serves breakfast, lunch and dinner seven days a week and other services such as a concierge, a spa/health club, laundry, sundries service, newspaper delivery, security personnel and airport shuttle; and in no event shall any accommodations use on the property exceed 350 sleeping units.

* The total number of sleeping units within the buildings or structures on the lot or parcel located in accommodations zone A-1 is 30.

* The proposed accommodations use will not share any of its buildings, structures, facilities, or operations with another accommodations use.

* The proposed accommodations will not share any of its buildings, facilities or operations with another accommodations use.

(2) Notwithstanding subsection (1) hereof, if the accommodations use contains more than 50 sleeping units and is located in the Full-Service Corridor, the provisions of subsection (1) hereof shall govern the square footage of required meeting and conference space;

* This property does not contain more than 50 sleeping units.

(3) The proposed accommodations use will not result in there being more than eight (8) Full-Service Hotels on the peninsula, inclusive of those Full-Service Hotels existing on the peninsula and those with approved special exceptions as of the effective date of the ordinance from which this section derives; for purposes of this subsection (3) only, a Full-Service Hotel as defined in subsection (1) having in excess of 150 sleeping units; and

* This accommodation will not be considered a Full-Service Hotel.

(m) to assist in providing affordable housing opportunities for its employees, the applicant for the accommodations use commits to contribute to the City of Charleston Affordable/Workforce Housing Account a fee payable upon the issuance of a Certificate of Occupancy, calculated as follows: $5.50 per square foot of area used for sleeping units and the hallways adjacent to sleeping units, stairwells and elevators.

* Will Comply

c. Application requirements. In making the findings required in subsection b.3, the Board of Zoning Appeals—Zoning shall consider the following information to be provided by the applicant in site plans, floor plans and building elevations that will govern the construction of the building in which the accommodations use is located, along with a detailed written assessment report to be submitted with the application:

1. The number of existing dwelling units on the property, including units on the property that were occupied as dwelling units within five years of the date of the application for the exception, the type of unit (rental or owner-occupied; one-family detached; one-family attached; two-family or multi-family; occupied or unoccupied), by income range of the most recent occupant(s), the rental price for rental units and market price for owner occupied units relative to the area median income figures that are determined annually by the U.S. Department of Housing and Urban Development and adjusted by the City of Charleston Department of Housing and Community Development, or its successor, the physical condition of the unit(s) (sound, deficient, deteriorated or dilapidated), the square footage and number of bedrooms in each unit, and if the units are proposed to be physically altered or replaced, a description and plan showing the square footage and number of bedrooms in the altered or replaced units, and their location;

* This project does not displace or alter any existing dwelling units.

2. The effect of the physical alteration or replacement or relocation of dwelling units on the housing stock of a particular type on the property and whether a condition should be attached to a special exception approval for the accommodations use requiring a minimum percentage of the dwelling units on the property or relocated off-site to remain affordable based on the annually updated median area income values;

* This project does not displace or alter any existing dwelling units.

3. The presence of office space on the property, or the presence of spaces on the property that were occupied as office spaces within five years of the date of application for the exception;

* The 2nd & 3rd floors of building have been unoccupied for 5 years yielding zero net loss of office space in this project.
4. The linear frontage of existing ground floor storefront retail space on the property;
   * 100% of the storefront is to remain retail use.

5. The location and design of guest drop off and pick up areas for the accommodations use;
   * The proposed accommodation has a drop off, pick up and parking area, on-site in the rear of the property. The drive to the parking/ valet area is accessible from John St.

6. The cumulative number of vehicle trips generated by the proposed accommodations use and other accommodations uses that are either existing or approved within an area identified by the Department of Traffic and Transportation, the traffic circulation pattern serving the accommodations use and efforts made to minimize traffic impacts;
   * See attached Traffic / Trip study.

7. The distance of the main entrance and parking entrance of the accommodations use from a road classified as an arterial or collector road;
   * The main pedestrian entrance is on King Street.
   * The distance from the valet/parking entrance from King Street is 140'

8. The land uses within five hundred feet (500') of the accommodations use, to include the location, square footage, and number of rooms in existing accommodations uses and accommodations uses that have been approved;
   * There is one existing hotel within 500', the Hampton Inn at 345 Meeting St. It contains 170 guest rooms with (1) 400sqft meeting room. There are no other known approved accommodations use within 500'.

9. The proximity of residential districts to the accommodations use;
   * The adjacent properties are General Business.
   * The closest Residential Districts are located approximately 275'-300' from this property.

10. The accessory uses proposed for the accommodations use, such as restaurants, spas, bars, pools and the like, in terms of their location, size, impact on parking, traffic generation, noise or odors in or to a residential district;
    * The accommodations use is located between King and Meeting Streets and John and Ann Streets and surrounded by commercial uses which are similar and complementary to the accessory uses on this property.

11. The demonstrated provision of off-street parking at the rate of two spaces for each of two areas that meet the design requirements of section 56-318 for each three sleeping units, provided however, the utilization of mechanical or other means of parking that meet the ratio of two spaces for each three sleeping units shall be allowed;
    * Accommodations with 36 rooms = 24 required parking spaces. There will be 32 on-site parking spaces provided, 6 of which are for employees.

12. The presence of industrial uses and uses which use, store, or produce toxic or hazardous materials in quantities in excess of those specified by the EPA listing of toxic and hazardous materials, within five hundred feet (500') of the accommodations use;
    * No known industrial uses which use, store or produce toxic or hazardous materials in quantities in excess of those specified by the EPA listing of toxic and hazardous materials are located within 500' of the project.

13. The commitment to environmental sustainability and recycling;
    * The ownership is committed to environmental sustainability and recycling and intends to utilize sustainable measures and recycling where possible.

14. The distance of the accommodations use from major tourist attractions;
    * The major tourist attractions are within walking distance or public transit as indicated by sheet A0.1

15. The distance of the accommodations use from existing or planned transit facilities;
    * King Street is part of the tourist oriented Dash line.

16. The long term provision of on- or off-site parking for employees who drive vehicles to work, including an estimate of the number of employees that will drive to work during the maximum shift and the location of parking spaces to be provided, and the demonstrated provision of free transit passes or other incentives to encourage employee use of public transportation;
    * The maximum number of shift employees for the restaurant and hotel combined will be 12. Six employee parking spaces shall be provided on site. A combination of bus passes and passes for nearby parking garages will be used to provided parking for the remaining 6 employees.

17. The number of sleeping units proposed as part of the accommodations use;
    * The number of proposed sleeping units shall be 36 rooms.

18. The provision of shuttle bus services to and from the Historic Districts by accommodations uses with more than 50 sleeping units located outside the area designated A-1 to A-4 on the zoning map;
    * This property is within the area designated area A-1

19. The commitment to make affirmative, good faith efforts to see that construction and procurement opportunities are available to MBEs (minority business enterprises) and WBEs (women business enterprises) as outlined in section 2-298 (a)(1), (2), and (3) of the Code of the City of Charleston;
    * The Ownership plans to make an affirmative, good faith effort to see that construction and procurement opportunities are available to DBE's and WBE's

20. The commitment to make affirmative, good faith efforts to hire personnel, representative of the population of the Charleston community, at all employment levels.
    * The Ownership is committed to hiring personnel representative of the population of the Charleston community at all employment levels.

d. Violations: In addition to any remedies otherwise available to the City under state law or the City Code, a violation by the owner or operator of the accommodations use of any provisions or conditions of an exception granted hereunder, to include any deviation from the plans and written assessment as required by subsection c. hereof, shall subject the owner or operator of the accommodations use to having its business license and/or certificate of occupancy revoked.
e. Applicability: The provisions of this Section 54-223 shall apply to special exceptions for accommodations uses granted by the Board of Zoning Appeals-Zoning prior to May 28, 2019, if being the intent of City Council that special exceptions approved by the Board of Zoning Appeals-Zoning prior to May 28, 2019 be entitled to and governed by the vested rights provisions accorded by Article 9, Part 5 of this Chapter. The provisions of this Section 54-223 shall not apply to Planned Unit Developments that include accommodations uses as an authorized use that were approved as of May 28, 2019.

2. EXISTING FRONT ELEVATION - NO CHANGE

1. SOUTH ELEVATION - PROPOSED
Good Afternoon Penny,

City of Charleston Traffic and Transportation (T&T) has reviewed the 82A2 application for 438 King Street and has determined the following regarding compliance with the following subsections in Sec. 5A-220, b.1:

(d) Based on the submittal package and trip generation memo, T&T finds the proposed development will not significantly increase vehicular traffic in neighborhoods due to the location being on King St. and John St. Vehicular traffic will likely use King St., John St. and Meeting St. to access the site and exit the site. In addition, the trip generation potential of the proposed land uses and the trip generation potential of the existing land uses are very similar. Finally, once patrons reach the hotel, they will likely travel to areas within the peninsula on foot or via alternative transportation modes. T&T believes the applicant complies with this subsection.

(g) The proposed development has 38 sleeping units. The guest pick-up/drop-off location will be off of John St. on private property off of the public right-of-way. There is an existing commercial loading zone in front of 432 King St. near the proposed development that can be utilized for deliveries. The applicant has been notified and acknowledged that a guest pickup/drop-off area on King Street in front of the building will not be allowed. Therefore, T&T has determined that it will not be an impediment to traffic and that every effort has been made to minimize traffic impacts. In addition, no existing on-street parking is impacted by this proposal. T&T believes the applicant complies with this subsection.

Please let me know if you have any questions or need additional clarification.

Thanks,

James M. Wallace, P.E. | Traffic Operations Manager
City of Charleston | Department of Traffic and Transportation
180 Lockwood Drive, Suite C, Charleston, SC 29403
T:(843) 724-7372 | F:(843) 722-956 | wallacej@charleston-sc.gov | www.charleston-sc.gov

City of Charleston
Agenda Item #A-3

JACK PRIMUS ROAD
TMS#268-00-00-176

Request special exception under Sec. 54-206 (r) to allow use of site for outdoor laydown yard equipment storage for proposed Dominion Electric operations.
Zoned Li
1. Outdoor storage yards, which are used for storage of materials and equipment, other than vehicles, boats or shipping containers, are permitted within the LI (Light Industrial) and HI (Heavy Industrial) districts as an exception where the Board, after review, finds that adequate provision and maintenance of visual screening by fences, planting or other means, from public streets, roads, residences and adjacent residential zone districts will be provided.

2. Junk yards, scrap yards, or auto salvage yards are prohibited within the LI district but permitted within the HI district as an exception where the board, after review, finds that the same standards for visual screening listed in 54-206.r.1. are met.
For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

---

**Variance Test:** The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

---

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-118, § 54-206, or sections in Article 5 (add as an attachment if necessary).

**BZA-Z, special exception request under section 54-206.r.**

To allow use of site for outdoor laydown yard equipment storage.

---

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
Penny/Lee,

As you know, Dominion Energy SC has plans for Berkeley County TMS parcel 268-00-00-176 along Jack Primus Road as a proposed crew quarters facility and associated laydown storage yard. Dominion Energy SC has an existing substation on the adjacent parcel (-151) that backs up to the site. The site also backs up to Saint Johns Church Road along with 5 residential parcels. The site is zoned Light Industrial (LI) and per Section 54-205 special exception uses: Outdoor storage yards are permitted within the LI as an exception, “where the board, after review, finds that adequate provision and maintenance of visual screen by fences, plantings or other means from public streets, roads, residences and adjacent residential zone districts will be provided.” The proposed crew quarters will be used as a staging area during emergency operations for Dominion employees and subcontractors.

Please note that the majority of this parcel is adjacent to other zoned light Industrial (LI) land. The sites to the west are currently used as warehouses, storage container yards and substations. The bulk of Dominion’s operations is proposed in this area. To the east is Jack Primus Road. The site plan shows an existing 75’ buffer that will properly buffer the Dominion site from Jack Primus Road. Additionally, there is a 1.8 acre wetland (wetland ‘F’) that will provide additional buffering from Jack Primus Road. The proposed plan shows the closest storage to Jack Primus is approximately 400’ feet from the roadway.

To the north the site borders St. Johns Church Road and multiple residential properties. The site plan shows a proposed 50’ buffer between the residential properties. Additionally, there is a 1.1 acre wetland (wetland ‘E’) that is not developable and will provide an additional buffer from the residential properties. The nearest storage yard on the proposed plan is approximately 250’ from the rear property line on the residential properties.

Dominion will fence the entire operations and they propose plantings in all buffers and along fence lines to provide additional screenings from the public. A landscape planting plan will be submitted to the City of Charleston Technical Review Committee. The attached exhibit provides buffer areas, green space areas and wetland areas that will provide buffers to adjacent properties.

Please let me know if you have any questions or comments.

Thanks,
Trey Linton, PE
Forsberg Engineering & Surveying, Inc.
843-571-2622
Agenda Item #A-4

CLEMENTS FERRY ROAD
TMS#271-00-02-027

Request special exception under Sec. 54-206 (f) to allow a Mini-warehouse self-storage facility.
Zoned GB
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z) 
City of Charleston

Instructions – This application, along with the required information, must be submitted in PDF format to the Board Administrator at ASHLEY@charleston-sc.gov. Applicant will then be invoiced for fee. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
- A Variance and/or Special Exception as indicated on page 2 of this application
- Reclassification of the lot or action of a zoning official (attach Appeal form)
- Extension of an expired Variance and/or Special Exception approval

MEETING DATE REQUESTED: August 2, 2022
Property Address: 151 Meeting Street, 6th Floor, Charleston, SC 29401
Property Owner: DANIEL ISLAND SIS LLC
Applicant: Lindsey S. Van Slenbroek
Attorney: G. B. Relationship of Applicant to Owner (same, representative, prospective buyer, other) Attorney

Zoning of property: GB
Information required with application: (check boxes information submitted)
- Scale plans or plots, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
- For new construction or additions within a flood zone, show HVAC units and platforms on scale plans
- Scale floor plans with rooms labeled and the total floor area for each dwelling unit mixed are required for all density variances and building additions, unless exempted by the Zoning staff (3 sets)
- Plans or documents necessary to show compliance with special exception requirements (3 sets)
- Check credit card or cash (make checks payable to the City of Charleston)
- YES or NO - Is this property restricted by any recorded covenant that is contrary to, conflicting with or prohibits the proposed land use encompassed in this permit application? §6-29-1145 of the South Carolina Code of Laws

Additional, but very helpful information:
- Photographs
- Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvements comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant

For special purposes, an application and corresponding fee (check box) for consideration.

Applicant's Mail Address: 151 Meeting Street, 6th Floor, Charleston, SC 29401
E-mail Address: Lindsey.VanSlenbroek@kentwells.com

BZA-Z Application (continued) 
Page 2 of 2

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary): 

Variances Test: The Board of Zoning Appeals - Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict literal application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes the following findings:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as §51 100, §54-206, or sections in Article 5 (add as an attachment if necessary):

See Exhibit A attached.

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9. Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

Department of Planning, Preservation & Sustainability
2 George Street
Charleston, South Carolina 29401
(843) 724-3781 www.charleston-sc.gov/zoning

6/12
Exhibit to Application
Board of Zoning Appeals - Zoning
8/16/2022
RE: Request for Approval for Self-Storage Use for 271-00-02-027, Clements Ferry Road, Charleston, SC

We are requesting consideration of a Special Exception to allow for the development of a self-storage project (the “Project”) on raw land located on Clements Ferry Road, on Daniel Island and within the City of Charleston, bearing TMS No. 271-00-02-027 (the “Property”). The improvements on the Property will consist of a 23,489 square foot building with associated parking, substantially as shown on the site plan attached hereto as Schedule 1 (the “Site Plan”). The Property is currently zoned General Business.

The following are written responses to the criteria identified in the 54-206(b) for the above-referenced Project:

1. The lot on which the mini-warehouse/self-storage facility is located is not within 200 feet of any MU-1, MU-1/W, MU-2, MU-2 WH. The Property is not located within 200 feet of any property designated MU-1, MU-1/W, MU-2, MU-2 WH.

2. The lot on which the mini-warehouse/self-storage facility is located is not within 200 feet of any RR, 1, SR-1, SR-2, SR-3, SR-4, SR-5, SR-6, SR-7, SR-8, STR, DR-1, DR-1F, DR-2, DR-2F, DR-3, DR-4, DR-6, DR-9, DR-12 or RO zoning district. The Property is not located within 200 feet of any property designated RR-1, SR-1, SR-2, SR-3, SR-4, SR-5, SR-6, SR-7, SR-8, STR, DR-1, DR-1F, DR-2, DR-2F, DR-3, DR-4, DR-6, DR-9, DR-12 or RO.

3. All loading bays are located on building sides that do not face a street. The western façade of the building facing the frontage road off of Clements Ferry will not have loading areas. The only loading area will be located on the south façade of the building, which is not street-facing and abuts the adjacent parcel bearing TMS No. 271-00-02-026.

4. First floor frontage of buildings within 50 feet of a street shall be designed to accommodate retail and office spaces to a depth of no less than 30 feet, have a minimum floor to ceiling height of 12 feet and not be occupied as mini-warehouse/self-storage space. The building to be constructed on the Property will be more than 50 feet from the frontage road off of Clements Ferry. As shown on the Site Plan, the closest distance between the southwest corner of the proposed building’s façade and the frontage road is 79.34 feet.

5. The site provides a twenty-five-foot Type C buffer, as specified in Section 54-348, along all streets adjacent to the site, or satisfies the buffer requirements of Article 3, Part 8, whichever requirement is greater; except that for properties within the jurisdiction of the Board of Architectural Review (BAR) or the Design Review Board (DRB), the BAR or DRB may reduce or eliminate this buffer requirement if they deem the reduction or elimination to be appropriate. The building to be constructed on the Property is more than 50’ off of the frontage road for Clements Ferry.

6. All buildings maintain a minimum setback from street rights-of-way of fifty feet (50’) or satisfy setback requirements of Section 54-311, whichever is greater; except that for properties within the jurisdiction of the Board of Architectural Review (BAR) or the Design Review Board (DRB), the BAR or DRB may reduce or eliminate this setback requirement if they deem the reduction or elimination to be appropriate. The building to be constructed on the Property is more than 50’ off of the frontage road for Clements Ferry.

7. The site satisfies all other applicable regulations of this chapter. The building to be constructed on the Property satisfied all other applicable regulations of this chapter.
Schedule 1
Site Plan
[See attached]
Agenda Item #B-1

32 CEDAR STREET
(EAST CENTRAL)
TMS #461-13-03-013

Request special exception under Sec. 54-501 to allow construction of a single-family residence on a lot of insufficient size (Lot area 1,600sf; 2,500sf required).

Request variance from Sec. 54-301 to allow construction of a single-family residence with a 3-ft. 8-inch west side setback, a 7.4-ft. total side setback (7-ft. and 10-ft. required).

Zoned DR-2F
Application for Variance: Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z)

City of Charleston

Instructions – This application, along with the required information, must be submitted in PDF format to the Board Administrator at AHB@charleston-sc.gov. Applicant will then be invoiced for fee. Applications are due by 12 noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

☐ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: 6/21/2022

Property Address: 386 Cedar ST, TMS #: 461-13-03-015

Property Owner: Darrel Lockett

Applicant: Jason Pinard

Applicant’s Mailing Address: 2800 Goose Hill Lane, MT Pleasant SC 29466

Relationship of applicant to owner (name, representative, prospective buyer/other)

Zoning of property: DR-2F

Information required with application (check information submitted)

☐ Scaled plans or plats, including elevations, showing the variance(s) or special exception(s) being requested (3 sets)
☐ For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff (1 set)
☐ Plans or documents necessary to show compliance with special exception requirements (3 sets)
☐ Check, cash card or cash (make checks payable to the City of Charleston)
☐ Yes (No) Is this Property required by any record of covenants that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? (5.19-1145) of the South Carolina Code of Laws

Other (optional but may influence decision)

☐ Photographs
☐ Letters or petitions from neighbors or organizations directly affected by your request.

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be inspected with a notice of the Board hearing and inspected.

Applicant: ____________________________ Date: 6/21/2022

For Special Exception requests, applicants should list the specific variance(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-20a, or sections in Article 5 (add as an attachment if necessary).

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary).

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401

[843] 724-5781 www.charleston-sc.gov/zoning

June 22
June 13, 2022

Greetings BZA board members:

We are requesting a Variance and a Special Exception for the above new construction project.

1. We are requesting a Variance to not meet the required building setbacks. Specifically, reducing one side setback from the required 7' to a 3' setback. Due to the small dimensions of the lot this will allow us to build the 18' wide house we’ve requested. Additionally, we would request authorization to encroach in the 3' setback on the left side of lot so a stair landing with steps can be installed to gain access to the backyard.

Variance test:

a. There are extraordinary and exceptional conditions pertaining to the particular piece of property - The size of the lot is roughly 23’ x 71’ deep and have had to already reduce the size of the heated space of the house to 1,251 sq. ft. two story house.

b. These conditions do not generally apply to either property in the vicinity - both adjacent houses as well as others were built many years ago and does not generally apply to them.

c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property - this is absolute true, we would not be able to build on this lot and would not allow for access to the backyard.

d. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance - this is true as no properties will be impacted by our variance request and the character of the proposed house will blend in with the other houses within the community.

2. Secondly, we are requesting a Special Exception for the lot size. The proposed footprint of the designed drawings is a .15% larger footprint than the ordinance allowed 50%. The lot is of insufficient size and we are requesting a Special Exception be allowed in accordance with Sec. 54-501 Lot of Record of insufficient size (see attached). Due to the size of the lot we have already decreased the overall size of the structure and are now left with a 1,251 sq. ft. footprint.

We respectfully request your approval for both requests and if there are any questions please do not hesitate contacting me at your convenience.

Warmest Regards,
CUSTOM 2 STORY HOME 3 B.R. / 3 BATH (CRAWLSPACE CONSTRUCTION - FRONT & SIDE PORCH ENTRY)
### 1ST FLOOR PLAN

- **Rear Yard:
  - **10'-0"**

- **Living Room:
  - **15'-0"**

- **Restaurant:
  - **15'-0"**

- **Restrooms:
  - **8'-0"**

### 2ND FLOOR PLAN

- **Living Unit:
  - **14'-0"**

- **Restrooms:
  - **8'-0"**

---

**NOTE:**

- All dimensions are approximate. The architect does not guarantee the accuracy of these dimensions in the absence of specific measurements.

- The images and plans are for reference only and may not be used without specific authorization.

---

**Table:**

<table>
<thead>
<tr>
<th>Materials</th>
<th>Description</th>
<th>Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>FRP</td>
<td>Composite</td>
<td>12&quot; x 12&quot;</td>
</tr>
<tr>
<td>FRP</td>
<td>Composite</td>
<td>12&quot; x 12&quot;</td>
</tr>
</tbody>
</table>

---

**CAD FLOOR PLAN**

- **Corner Board Detail:
  - **1" x 1/2"**

---

**DATE:**

- **7/19/2023**

**SCALE:**

- **1/4" = 1'-0"**

**SHEET:**

- **A-5**
Request special exception under Sec. 54-110 to allow a horizontal expansion (stair/landing) and vertical extension (gym/closet/bath) to a non-conforming detached accessory building (garage) that extends a non-conforming 3-ft. rear setback (25-ft. required).

Zoned DR-1F
For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unreasonable hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.
2. These conditions do not generally apply to other property in the vicinity.
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary):

Requesting vertical and horizontal extension of non-conforming setbacks for an accessory structure. The use of the first floor of the building remains the same—garage. Second floor will be residential accessory to main house—addition of gym and bathroom. There will be no traffic impact as this is still a single family residence. Vehicular and pedestrian safety and parking will not be impacted as the driveway location remains the same. Noise, lighting and fumes are not a factor as the use remains the same. Impact on light and air flow will be minimal. The structure generally abuts open space on adjacent properties and there will be no window openings on the south side and small windows set into the roof on the west side. The addition will be an aesthetic improvement.

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.
July 25, 2022

Dear Ms. Ashby:

Please accept this letter as our endorsement for the improvement designs. We have reviewed the plans for the renovation of the garage at 137 Broad Street. We support the improvements to the building and the special exception request before the BZA-Z. We are the neighbors who own 139 Broad Street.

Thank you.

[Signatures]

Dr. M. Brian Blake and Dr. Bridget Blake
(703) 858-7457 and mbblake4@gmail.com
Hi Penny

I have attached the final copy of the letter and photos. Please let me know if there is anything else I need to do.

Thanks again for all your help

John Glynn

This photo shows the existing building at 16 Logan Street, which is the opposite side of our property. The proposed structure combined with the existing apartment building results in blocked views and air flows on both sides of our property.

This photo is from our screened in porch. The top of the windows are approximately 11" above ground. This view and air flow will be totally blocked.

This photo is from our patio. This view also will be totally blocked, and the proposed structure will extend beyond the palm tree shown in the photo, or approximately 12 - 15 feet past the end of our house.
August 12, 2022

VIA EMAIL

City of Charleston
Board of Zoning Appeals – Zoning
e/o Penney Ashby
ashbyp@charleston-sc.gov

Re: 137 Broad Street (TMS 457-42-64-003)
Request for Special Exception to Extend Non-Conforming Use

Dear Members of the Board of Zoning Appeals:

We are writing in opposition to the request of the owners of 137 Broad Street for a horizontal and vertical extension of an existing non-conforming use. We live at 18 Logan Street, and our back porch and yard border the existing non-conforming use, which has only an 18” setback. For the reasons discussed in more detail below, the requested extension does not meet the criteria for an extension and it should be denied accordingly.

As you know, the extension of non-conforming use is prohibited under Section 54-110(f) unless the BZA finds that “the extension or increase of the non-conforming use is: (1) limited to extending or increasing the non-conforming use then in existence; and (2) would not result in an unreasonable intensification of the non-conforming use.” In considering the reasonableness of the intensification of the extension or increase under this ordinance, the Board must consider, among other things, the effect of the extension or increase on properties in the vicinity, including potential impacts of noise, lighting, fumes or obstruction of air flow or light on adjoining property.

In this case, the applicant cannot satisfy either requirement under Section 54-110(f) to justify an extension. First, the extension is not limited to extending or increasing the non-conforming use. The applicants request involves both the vertical and horizontal extension of the non-conforming 18” setback of a detached garage. However, the applicants do not merely request to expand the garage, they also seek to include a second floor containing a workout room, closet, and full bathroom. Thus, the applicants’ plans are not limited to extending the existing garage use. They seek to add additional uses that are unrelated to the existing use. It also is worth noting that the plans include a “wet bar” in the workout room, which could raise question about whether there are possible other uses contemplated that would further extend the existing use.

Second, and more importantly, the extension of the existing non-conforming use, if granted, would result in an unreasonable intensification of the use that will negatively impact the view from and the lighting on our property and will obstruct air flow and light. Because the roof at the rear of the existing garage is only 8’ 5”, it does not currently have a significant impact on light and air flow into our back yard or the line of sight from our property. However, the applicants seek to nearly triple the height of the building by increasing it to 22’ 6” at the ridge of the roof. This dramatic increase in height so close to our property line would significantly obstruct light and air flow onto our property as well as the views. That would be the case whether the building was constructed on its current footprint which is 18’ from the property line or within 3’ of the property line, as the zoning rules might permit. This is especially concerning because air flow is already obstructed by the two-story apartment building located at 16 Logan Street, which is immediately to the south of our home. We have included several photos that show the existing views in our back yard.

Finally, we have concerns that the proposed expansion of the non-conforming use could result in damage to our property. Between water run off, potential damage to the shared property wall during construction, and the likely need for contractors to enter our property without permission either during construction or subsequent maintenance, the potential damage to our property is substantial.

For these reasons, the applicants cannot satisfy the requirements to extend their existing non-conforming garage under Section 54-110(f), and we respectfully request that the BZA deny the request. We plan to appear at the BZA’s meeting and will gladly answer any questions you may have. Thank you for your careful consideration of our position.

Sincerely,

John & Nina Glynn
18 Logan Street.
Request variance from Sec. 54-301 to allow construction of a 1-story detached accessory building (garage) with a 3-ft. rear setback, an 8-ft. side street setback (25-ft. and 25-ft. required).

Zoned SR-2
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals - Zoning (BZA-Z)

City of Charleston

Instructions - This application, along with the required information, must be submitted in PDF format to the Board Administrator at dwrogers@charlestonsc.gov. Applicant will then be invoiced for fee. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals - Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
- A Variance and/or Special Exception as indicated on page 2 of this application.
- Reconsideration of a decision of a zoning official (attach Appeal Form).
- Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: Aug. 16, 2022
Property Address 180 Saint Margaret St, TMS # 463-10-06-0649
Property Owner Sarah Derigent, Daytime Phone 843-513-4974
Applicant 180 Saint Margaret St, Charleston, SC 29403
Applicant's Mailing Address 180 Saint Margaret St, Charleston, SC 29403

Email Address calwandl@yahoo.com

Relationship of applicant to owner (same, representative, prospective buyer, other) same

Zoning of property R-2

Information required with application: check information submitted
- All trees, plants, or plantings; showing the variance(s) or special exception(s) being requested
- For new construction or additions to a dwelling, show attic, unused space, and plans on scaled plans.
- All floor plans with rooms labeled and the total floor area for each dwelling unit noted for all density variances and building additions, unless exempted by the Zoning staff.
- Plans or documents required to show compliance with special exception requirements.
- YES 200-500 is this Property restricted by any recorded covenant that is contrary to, conflicts with or precludes the proposed use as expressed in this permit application? § 6-291-145 of the South Carolina Code of Laws

Optional but very helpful information:
Photographs Letters or petitions from neighbors or organizations directly affected by your request.

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant

Date 7-2-22

For office use only
Date application received
Time application received
Fee
Receipt #

BZA-Z Application (continued)

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):
- The construction of this one car garage will not be a substantial detriment to the adjacent property or the public good and the character of our neighborhood.
- The current setback rules will not allow us to build any garage in the small space we have as a back yard.

Variance Test: The Board of Zoning Appeals - Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following finding:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For Special Exception requests, applicants should list the specific exception(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 5-4-110, § 5-4-206, or sections in Article 5 (add as an attachment if necessary):

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant

Date 7-2-22

For office use only
Date application received
Time application received
Fee
Receipt #

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401
(843) 724-5761 www.charlestonsc.gov/zoning

4/22
From: Christian A. Kandl <cakandl@yahoo.com>
Sent: Thursday, July 7, 2022 4:40 PM
To: Kandl, Christian A.
Subject: Garage for 180 Saint Margaret st.

Christian A. Kandl

Begin forwarded message:

From: Christian Albert Kandl <cakandl@yahoo.com>
Date: June 27, 2022, at 07:43:58 EDT
To: Tyler E. Cooper <TCopier@thebeachcompany.com>
Subject: Re: Garage for 180 Saint Margaret st.

Thank you sir.

Christian A. Kandl

On Jun 27, 2022, at 09:41, Tyler E. Cooper <TCopier@thebeachcompany.com> wrote:

Christian,

I am supportive of your request for a variance to build the garage at your property. Let me know if I can be of further assistance.

Best,

Tyler Cooper
187 Gordon Street
Charleston, SC 29403

From: Christian Kandl <cakandl@yahoo.com>
Sent: Sunday, June 26, 2022 12:12 PM
To: Tyler E. Cooper <TCopier@thebeachcompany.com>
Subject: Garage for 180 Saint Margaret st.
Agenda Item #B-4

16 MURRAY BOULEVARD
(CHARLESTOWNE)
TMS # 457-16-03-006

Request variance from Sec. 54-301 to allow an existing front porch with an 11-ft. front setback to be enclosed on the 1st floor for conditioned space (25-ft. required except front porches are allowed to encroach and have a minimum 10-ft. front setback; existing conditioned space is setback 18.8-ft.)

Zoned SR-2
Application for Variance, Special Exception, Reconsideration, or Extension to the Board of Zoning Appeals – Zoning (BZA-Z)
City of Charleston

Instructions – This application, along with the required information, must be submitted in PDF format to the Board Administrator at AS-HYPER@charleston-sc.gov. Applicant will then be notified of fee. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals – Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
- A Variance and/or Special Exception as indicated on page 2 of this application.
- Reconsideration of a decision of the Board or action of a zoning official (attach Appeal Form).
- Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED:
- 8/16/22

Property Address: 15 MURRAY BLVD
- TMS #: 657163006

Property Owner: Susan and Chris McHugh
- Daytime Phone: 720-331-1840

Applicant: THOMAS & DENZINGER ARCHITECTS
- Daytime Phone: 843-834-3748

Applicant’s Mailing Address: 138 St. Philip St. Suite 200

Address for service:

Email Address: TFDENZINGER.COM

Zoning of property:

SR-2, 261101 PA01 S of Broad (Old & Henri)

Information required with application:
- Scaled plans or plans including elevations, showing the variance(s) or special exception(s) being requested
- For new construction or additions within a flood zone, show HVAC units and platform on scaled plans
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions unless exempted by the Zoning staff
- Plans or documents necessary to show compliance with special exception requirements
- YES or NO – Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:
- Photographs
- Letters or permits from neighbors or organizations directly affected by your request.

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant

Date: 7/10/22

For office use only
Date application received _______________ Time application received _______________
Initials/Signature FEE # Receipt #
Proposed Renovations at
16 Murray Boulevard, Charleston, SC
Addendum to ZBA-A Application
August 2022

Property Zoned SR-2
Variance Requests:

1. Allow current nonconforming use of conditioned space into the 25’ front yard setback, as well as grant a continuance of nonconforming use by expanding new conditioned space into the front yard setback to within 10’-6” of the lot line.
2. Maintain current conditions along the side yard setback of 18’, minimum on east/west side. The residence is immediately adjacent to the east lot line.
3. Allow current nonconforming use as applies to conditioned space in the current floodplain elevation VE 13. Existing first floor finish floor is 12’-2”. Design Flood Elevation is 13’-0”

Basis of Variance Requests:

The owners of 16 Murray Boulevard are requesting that they be permitted to enclose and condition existing unconditioned portions of the first and second floors of the home to increase livable space without changing the existing footprint. Portions of the existing conditioned space already extend into the front yard setback.

Variance Test Criteria

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property.

16 Murray Boulevard is a modest in scale, two-story single-family residence. The wood frame building is elevated above grade on a masonry enclosed crawl space. On the corner lot, the house footprint lays out in a rectangular plan, with the short axis parallel to Murray Boulevard and long axis parallel to Battery Place.

The house was designed by Steve Thompson, AIA, a founding member of the Charleston Architectural Group, a practice active in Charleston during the 1980’s. This design is rigorously symmetrical, embodying Palladian principles. The home is also unique in the architectural resemblance to the Charleston Single house. Mr. Thompson provided a street front elevation with a two-story porch that transitions to the sides with open corner “cut outs” referencing stilled side porch elements.

Two floors of existing conditioned interior space on the streetside, amounting to approximately 182 square feet, [91sf per floor] currently encroach into the front yard setback 25’ setback.

The existing Murray Boulevard streetside porches comply with the allowed overlay of porches and stairs into the front yard setback. The edge of porch is 10’-6” off the property line. (10’ permitted)

The east side of the home is almost entirely against the property line. The adjacent property is narrow, provides a means for 14½ Murray Boulevard access to Murray Boulevard.

2. These conditions do not generally apply to other property in the vicinity.

Properties in the immediate vicinity:

20 Murray zoned SR-2 Built 1980
18 Murray zoned SR-2 Built 1991
16 Murray zoned SR-2 Built 1984
14½ Murray zoned SR-2 Built 1920 (?)
14 Murray zoned SR-2 Built 1922
1 Battery Place zoned SR-3 Built 1970

With a significant range of age on the homes in immediate vicinity, it’s possible that zoning regulations have evolved over time to the present-day criteria. Online archives for City of Charleston’s Municipal Code for Zoning go back as far as 2014.

The property has changed ownership several times since 1984. 16 Murray Boulevard records were lost to Mr. Russell in the aftermath of Hurricane Hugo in 1989. Paper records of any prior variances granted may exist at the City of Charleston. Efforts to access those records, if any, are currently being made to determine if any precedents for variances exist.
Proposed Renovations at
16 Murray Boulevard, Charleston, SC
Addendum to BZA-A Application
August 2022

3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

The challenge faced by the owners of 16 Murray is to increase the livability of the home without adding onto the existing footprint. If the variance requests are not granted, then the alternative will introduce additions and renovations at a scale not conducive to maintaining the general character of Battery Place neighborhood. Capturing the currently available areas of the porch and cut outs is the least invasive means to alter the interior without prolonged construction. The addition of interior space will enhance the accessibility and provide an easier transition to age in place.

The owner’s goal is to be an excellent neighbor in an area of the city already sensitive to prolonged of disruption from improvements to Murray Boulevard.

4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

The Lot Owners and design team for the proposed revisions to 16 Murray Boulevard are committed to providing a sensitive solution to the program requests. Our mission is to minimize changes in appearance to the current appearance of the home through careful design and detailing. We do not think there will be any adverse impact on the home, or any other property in the vicinity if this request is granted.
1. Existing South Elevation - Murray Blvd

1/8" = 1'-0"

OPPOSING STREET ELEVATION IS THE SEA WALL

2. Existing West Elevation - Battery Place

1/8" = 1'-0"
1. Proposed South Elevation- Murray Blvd
   1/8" = 1'-0"

   OPPOSING STREET ELEVATION IS THE SEA WALL

2. Proposed West Elevation- Battery Place
   1/8" = 1'-0"
1. PROPOSED NORTH ELEVATION
1/4" = 1'-0"

2. PROPOSED SOUTH ELEVATION
1/4" = 1'-0"
Proposed Section 4
3/32" = 1'-0"
Agenda Item #B-5

74 PRESIDENT STREET
(MUSC)
TMS # 460-15-01-043

Request variance from Sec. 54-301 to allow construction of a building with a 52.5-ft. setback from street right-of-way (President St.) and not meet minimum building frontage requirement (Ordinance requires all portions of a structure shall be set back at least forty (40) feet from the center of the street right-of-way, and a minimum of (50) percent of the building’s street frontage shall occur at this set back line in Height District 85/125. Zoned LB
Application for Variance, Special Exception, Reconsideration, or Extension

Page 1 of 2

City of Charleston

Instructions: This application, along with the required information, must be submitted in PDF format to the Board Administrator at ASHBY@charleston-sc.gov. Applicants will then be invoiced for the fee. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property and a public hearing will be conducted by the Board of Zoning Appeals - Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period will stay all further action on the application.

THE APPLICANT HEREBY REQUESTS:
- A Variance and/or Special Exception as indicated on page 2 of this application
- Reconsideration of a decision of the Board or any zoning official (attach Appeal form)
- Extension of an unexpired Variance and/or Special Exception approval

MEETING DATE REQUESTED: August 16, 2022

Property Address: 74 President St
Property Owner: Medical University of South Carolina
Applicant: SMHa, Inc., Margie Longshore

Applicant's Mailing Address: 400 Hibernian Way, Mount Pleasant, SC 29464

Relationship of applicant to owner: representative / architect

Zoning of property: LB, Old City Height District 05/1/25 and Old City District overlays

Information required with application: [check information submitted]
- Scaled plots or plans, including elevations, showing the variance(s) or special exception(s) being requested
- For new construction or additions within a flood zone, show HVAC units and platform on scaled plots
- Scaled floor plans with rooms labeled and the total floor area for each structure unit noted are required for all density variances and building additions, unless exempted by the zoning staff
- Plans or documents necessary to show compliance with special exception requirements
- YES or NO - is the Property restricted by any recorded covenants that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:
- Photographs
- Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvements comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant: [Signature] Date: 07-18-2022

For office use only
Date application received: Time application received: Fee: Receipt #

Page 2 of 2

BZA-Z Application (continued)

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add an attachment if necessary).

see attached memo

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add an attachment if necessary)

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401 (843) 724-3781 www.charleston-sc.gov/zoning
Memorandum

re: Zoning Variance Request
from: Margie Longshore
date: July 16, 2002

Request for a Variance to the City of Charleston Zoning Ordinance Section 54-306.1. Height District 85/125

2. All portions of a structure, except cornices, canopies, balconies, arcades and other non-habitable architectural elements, shall be set back at least forty (40) feet from the center of the street right-of-way, and a minimum of fifty (50) percent of the building’s street frontage shall occur at this set back line, subject to provisions of Article 3: Part 10 (Vision Clearance Req).

Variance Test Conditions:

A. There are extraordinary and exceptional conditions pertaining to the particular piece of property:

Response:
There are existing electrical transformers and switchgear on this property that require a setback greater than 40' from the center of the street right-of-way. The east side of the electrical equipment is 37"-6" from the center of the street right-of-way, and an additional minimum 15' clearance is required for access to and maintenance of this equipment. The existing equipment serves multiple nearby buildings on MUSC’s campus and cannot be relocated without significant effort and disruption of medical and educational activities.

B. These conditions do not generally apply to other property in the vicinity:

Response:
The existing electrical equipment is unique to this portion of the property.

C. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property:

Response:
The building structure cannot physically be located any closer to the center of the street right-of-way due to these existing conditions.

D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good; and the character of the district will not be harmed by the granting of the variance:

Response:
As the property is in the center of MUSC’s campus, other surrounding properties are of similar educational and medical use, and the character of the district will not be harmed if this variance is granted.
PROPOSED PROJECT SITE FOR CHP ACADEMIC BUILDING
Agenda Item #B-6

35 CYPRESS STREET
(NORTH CENTRAL)
TMS # 463-12-01-037

Request special exception under Sec. 54-110 to allow a 2-story rear addition (deck/porch/kitchen/dining room/living room expansion/bedrooms/baths) that extends a non-conforming 0.6-ft. west side setback and 9.19-ft. total side setback (9-ft. 15-ft. required).
Zoned DR-1F
Application for Variance, Special Exception, Reclassification, or Extension to the Board of Zoning Appeals - Zoning (BZA-Z)

City of Charleston

Instructions - This application, along with the required information, must be submitted in PDF format to the Board Administrator at AHP@charleston-sc.gov. Applicant will then be invoiced for fee. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals - Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:
- A Variance and/or Special Exception as indicated on page 2 of this application
- Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form)
- Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: 8/16/2022

Property Address: 35 Cypress Street, Charleston, SC 29403
TMS #: 463-12-01-037

Property Owner: JJASH HOLDINGS LLC

Applicant: Jill Handegan

Daytime Phone: 843-214-0288

Applicant's Mailing Address: 2000 Brick Kiln Parkway, Mt. Pleasant, SC 29466

E-mail Address: jill.jay@comcast.net

Relationship of applicant to owner (same, representative, prospective buyer, other): Same

Zoning of property: DR-1F

Information required with application: [check information submitted]
- Photos or prints, including elevations, showing the variance(s) or special exception(s) being requested
- For new construction or additions within a flood zone: show HVAC units and platform on scaled plans
- Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions, unless exempted by the Zoning staff
- Plans or documents necessary to show compliance with special exception requirements
- YES or NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:
- Photographs
- Letters or petitions from neighbors or organizations directly affected by your request
- I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, If there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant: [Signature]

Date: 7/18/2022

For office use only

Date application received: [Date]

Expiration [Date]

Time application received: [Time]

Fee: $ [Amount]

[Signature]

[Name]

[Office]

[Address]

Department of Planning, Preservation & Sustainability
2 George Street
Charleston, South Carolina 29401
(843) 724-2681
www.charleston-sc.gov/zoning

BZA-Z Application (continued)

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

We are requesting a variance from the regulation 3' setback for the porch addition located at the rear of the property. The variance requested is located at the "plan west" property line or the right hand side of the property facing the house from Cypress Street. Our request meets the requirements of the variance test that the existing house already sits directly on the property line. The 3' setback would restrict the use of the addition and we would like to extend the addition along the property line which is in keeping with older houses along Cypress Street. The addition will be an improvement to the site and in good character with the neighborhood.

Variance Test: The Board of Zoning Appeals-Zoning is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
4. The authorization of the variance will not be of substantial detriment to adjoining property or the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to promote the public health, safety, or general welfare. (SC Code of Laws § 6-29-800)

For Special Exception requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 5A-110, § 5A-206, or sections in Article 5 (add as an attachment if necessary):

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the Zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

Department of Planning, Preservation & Sustainability
2 George Street
Charleston, South Carolina 29401
(843) 724-2681 www.charleston-sc.gov/zoning
EXISTING FIRST FLOOR PLAN

EXISTING SECOND FLOOR PLAN
EXISTING REAR ELEVATION

EXISTING WEST SIDE ELEVATION

EXISTING EAST SIDE ELEVATION
Property Address: 35 Cypress Street, Charleston, SC 29403
Property Owner: JIAH Holdings, LLC
Applicant: Jill & Jay Handegan
TMS#: 463-12-01-037

NEIGHBOR’S CONSENT FORM

We, the undersigned, are the surrounding neighbors of the property located at 35 Cypress Street, Charleston SC 29403. We have no objections or complaints to the proposed rear addition to the current structure on this property, as outlined on drawing C1 dated July 5, 2022.

Name & Address of Neighbor
Marylee Rhodes 35 Cypress Street
Anthony Skiles 34 Maple St.

Signature
Marylee Rhodes
Anthony Skiles

Respectfully Submitted by Jill Handegan on July 18, 2022.
Agenda Item #B-7

451 HUGER STREET
(HAMPTON PARK TERRACE)
TMS # 460-03-03-123

Request special exception under Sec. 54-110 to allow an expansion of a non-conforming duplex use by allowing a 2-story addition (kitchen expansion/bath/closet) that extends a non-conforming 5-ft. 8-inch rear setback (25-ft. required) and expands the total living space of one dwelling unit.

Request variance from Sec. 54-301 to allow a stair addition with a 2-ft. 8-inch rear setback (25-ft. required).

Zoned DR-1F
Application for Variances, Special Exception, Reconsideration, or Extension

to the Board of Zoning Appeals - Zoning (BZA-Z)

City of Charleston

Instructions: This application, along with the required information, must be submitted in PDF format to the Board Administrator at ZA@charleston-sc.gov. Applicants will then be invited to present for an oral hearing before the Board. Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda. A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals - Zoning. Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board, except for use variances, the appeal period shall be fifteen (15) calendar days. An appeal to the Board during this appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

☐ A Variance and/or Special Exception as indicated on page 2 of this application.
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: 9/16/2022

Property Address: 451 Huger St. TMS #: 4600303123

Property Owner: Gavin Walt
Daytime Phone: 844-420-0378

Applicant: Julie Keyes for Glenn Keyes Architects

Applicant's Mailing Address: Glenn Keyes Architects, 12 Vanderhorst St, Charleston, SC 29403

Relationship of applicant to owner (same, representative, prospective buyer, other): representative, Architect

Zoning of property: DR-1F

Information required with application: (check information submitted)
☐ Scaled plans or plots, including elevations, showing the variance(s) or special exception(s) being requested
☐ For new construction or additions within a flood zone, show HVAC units and platforms on scaled plans
☐ Scaled floor plans with rooms labeled and the total floor area for each dwelling unit noted are required for all density variances and building additions; unless exempted by the Zoning staff
☐ Plans or documents necessary to show compliance with special exception requirements
☐ YES or ☐ NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? ☐ YES ☐ NO - Section 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:
☐ Photographs
☐ Letters or protests from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the Board hearing and inspected.

Applicant: Julie Keyes

Date: 7/18/2022

For office use only
Date application received: 
Staff Review: 
Fee: $ 
Receipt #: 

BZA-Z Application (continued)

For Variance requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary).

The existing house encroaches the front and rear setback. We are requesting to build an addition that will also encroach the front and rear setback. The proposed rear steps encroach the rear setback an additional 3'-0". This lot is also non-conforming due to the grandfathered use of the garage apartment on a lot less than 6,000 SF. See the attached variance test for additional information.

For Special Exception requests, applicants shall list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as § 54-110, § 54-206, or sections in Article 5 (add as an attachment if necessary).

See the attached letter for the special exception request.

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of sixty (60) months has lapsed.
Special Exception Request for 451 Huger St.

Zoning Ordinance 54-110:
The non-conforming use of a building or structure cannot be physically extended to provide more area for the non-conforming use, and the number of bedrooms in a non-conforming two-family dwelling or multifamily dwelling use cannot be increased, unless the Board of Zoning Appeals—Zoning, after a duly advertised public hearing, finds that the extension or increase of the non-conforming use is: (1) limited to extending or increasing the non-conforming use then in existence; and (2) would not result in an unreasonable intensification of the non-conforming use. In considering the reasonableness of the intensification of the extension or increase, the Board shall consider the effect of the extension or increase on properties in the vicinity to include traffic impacts; vehicular and pedestrian safety; parking impacts; potential impacts of noise, lighting, fumes or obstruction of air flow or light on adjoining property; impacts on the aesthetic character of the environs, to include the possible need for screening. If an extension or increase is permitted, the Board may impose reasonable and appropriate conditions and safeguards for the protection of the public interest and neighboring properties, including but not limited to, limitations on the days and hours during which the proposed use may be operated, and shall require, for properties located in the Old and Historic District, that exterior alterations be approved by the Board of Architectural Review, regardless of whether said alterations are visible from a public street or thoroughfare.

We are requesting to physically extend the structure of a non-conforming use with an addition that has a proposed footprint of 157 SF. The addition connects the main house and the garage. It increases the size of the kitchen and provides a bathroom and larger closet for the primary bedroom upstairs. It does not increase the number of bedrooms. It does not create unreasonable intensification of the non-conforming use as the residential use will remain the same and will not increase traffic to the property. The proposed addition connection the garage enhances the architectural appeal of the exterior of the property.

Variance Test
1. There are extraordinary & exceptional conditions pertaining to the property
The existing DR-1F zoning setback requirements create a buildable area that is only 1’-0” deep. The existing house and garage apartment are non-conforming to the required 25’-0” front and 25’-0” rear setbacks. The lot also has a non-conforming density due to the grandfathered use of a garage apartment on a lot less than 6,000 SF. The setback conditions are extraordinary due to the orientation of the corner lot that faces Huger St on the corner of Ashley Ave.

2. These conditions do not generally apply to other properties in the vicinity
Most of the lots in the DR-1F zoning in the neighboring blocks are oriented so that the front facade/ front setback is the more narrow property dimension. 451 Huger Street has front setback oriented on the wider property dimension with a shallow lot depth which is unique to the zoning district.

3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property
The proposed addition is within the setbacks of the existing grandfathered footprint with the exception of a 3’-0” stairs at the rear setback. The proposed addition use is to increase the size of the kitchen and provide a primary bedroom with a bathroom and larger closet.

4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance
The proposed addition does not create unreasonable intensification of the non-conforming use and we are not adding more bedrooms. It will not increase traffic to the area. The proposed addition improves the overall appearance of the house and garage.
451 HUGER S.T., CHARLESTON, S.C.

ADDITION

SCHEMATIC DESIGN DRAWINGS
July 12, 2022

Mr. Lee Batchelder
Zoning Administrator
City of Charleston
2 George Street
Charleston, SC 29401

Re: 451 Huger Street

Dear Mr. Batchelder:

I have reviewed the plans for the proposed work at 451 Huger Street, as shown in the plans by Glenn Keyes Architects, and do not object to the proposed modifications.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chuck Jones</td>
<td>2 N. Allam Park</td>
<td>8/3/22</td>
</tr>
</tbody>
</table>

July 12, 2022

Mr. Lee Batchelder
Zoning Administrator
City of Charleston
2 George Street
Charleston, SC 29401

Re: 451 Huger Street

Dear Mr. Batchelder:

I have reviewed the plans for the proposed work at 451 Huger Street, as shown in the plans by Glenn Keyes Architects, and do not object to the proposed modifications.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roy and Maud Huff</td>
<td>463 Huger Street, Charleston SC 29405</td>
<td>7/17/2022</td>
</tr>
</tbody>
</table>

We live immediately adjacent to the subject property and we support the proposed zoning exception.
July 12, 2022

Mr. Lee Batchelder
Zoning Administrator
City of Charleston
2 George Street
Charleston, SC 29403

Re: 451 Huger Street

Dear Mr. Batchelder:

I have reviewed the plans for the proposed work at 451 Huger Street, as shown in the plans by Glenn Keyes Architects, and do not object to the proposed modifications.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Merritt Money</td>
<td>369 Ashley Ave.</td>
<td>2/18/22</td>
</tr>
</tbody>
</table>

---

From: Anne Russell <annearussell@gmail.com>
Date: Mon, Aug 8, 2022 at 9:15 PM
Subject: Re: 451 Huger St. BZA application

To: Julie Keyes <julie@fortressarchitecture.com>, Hampton Park Torrace <hp29403@gmail.com>

Hi Julie. Thanks for your patience and for sending the BZA application for 451 Huger Street. At this time, only the officers of the Neighborhood Association have had a chance to review the application, but no one has a specific concern. However, we note that the concerns of the immediate neighbors should be given dispositive weight.

As a neighbor to the project (I personally live at 474 Huger Street) we have no objection.

Thank you,
Anne Kelley Russell
President, Hampton Park Terrace Neighborhood Association
843-296-6927